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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,070	11/26/2003	Kouji Uno	SN-US035135	7771

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EXAMINER

LORENCE, RICHARD M

ART UNIT PAPER NUMBER

3681

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,070	Applicant(s) UNO ET AL.	
	Examiner Richard M. Lorence	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15, 19-22, 25-32 and 50-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-15, 19-22, 25-32 and 50-63 is/are allowed.
- 6) ☒ Claim(s) 64, 66-69 and 71 is/are rejected.
- 7) ☒ Claim(s) 65 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

A

DETAILED ACTION

This action is in response to the amendment filed on June 1, 2005. The title, abstract, specification and claims 1-4, 6-15, 19-22 and 25-32 have been amended, claims 5, 16-18, 23, 24 and 33-49 have been cancelled, and new claims 50-71 have been added. Claims 1-4, 6-15, 19-22 and 25-32 and 50-71 are currently pending.

Drawings

The replacement drawing sheets including Figures 1-4 were received on June 1, 2005. These drawings are acceptable.

Election/Restrictions

In view of the cancellation of claims 5 and 33-49 drawn to the species of Figures 22-28, each of the remaining claims are drawn to either the elected species of Figures 1-14 or the non-elected species of Figures 15-21. Inasmuch as claims 1 and 13 are allowable and generic to both the species of Figures 1-14 and the species of Figures 15-21, the previously withdrawn claims 10-12 and 30-32 are hereby rejoined.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 64, 66-69 and 71 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Watarai '649 which discloses an electrical shift and brake control device in Figures 1-3 including the brake lever bracket 9, brake lever 7 and the electrical shift control switch with operating member 10 mounted on the bracket to rotate about an axis 11 which is not parallel to the operating plane of the lever. It is believed that the switch of Watarai includes two movable contacts and two stationary contacts, i.e. one movable contact associated with the portion of the switch element 13a which engages a stationary contact when the operating member is moved to the "U" position, and another movable contact associated with the portion of the switch element 13b which engages a stationary contact when the operating member is moved to the "D" position. The well known switch structure schematically shown in Watarai would be understood by one skilled in the art. The examiner cites White '427 as an example of such a push button switch similar to either of the elements 13a, 13b in Watarai. As seen in White such a switch includes a movable contact 15 selectively engageable with a stationary contact 10. Even assuming that the switch elements 13a, 13b are not equivalent to the structure exemplified by White, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ such well known switch structure as was known to selectively allow electrical current to be controlled. Note that Watarai also shows the biasing element 12 and clicking structure 10b, 9a, 9b. The operating member includes the shaft 10a, user engagement element 10, and inner end 10b.

Allowable Subject Matter

Claims 1-4, 6-15, 19-22 and 25-32 and 50-63 are allowed.

Claims 65 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 1, 2005 with respect to newly added claims 64 and 69 have been fully considered but they are not persuasive for the reasons pointed out in the rejection of the claims above.

Information Disclosure Statement

The 3 pages of the Mavic catalog and the partial English translation of the one sheet thereof cited by applicant have been considered.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner cited White '427 which shows a switch having a movable contact and a stationary contact.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard M. Lorence
Primary Examiner
Art Unit 3681

Lorence/rml